REMARKS

Claims 1-13, including independent claims 1, 12 and 13, stand rejected under 35 USC §102(b) as being anticipated by Pike (GB 2306855). The Applicants respectfully disagree with the Examiner's rejections and request reconsideration.

Independent claims 1, 12 and 13 recite **intermittently performing an intracell handover of a first mobile station to the common simulcast broadcast carrier** and performing measurements of the radio environment when the mobile station is **using the common simulcast carrier**. Claim 2 adds that this handover is from a traffic carrier to the common simulcast broadcast carrier.

In the 5/19/04 advisory action, the Examiner contends that Pike teaches intermittently performing an intracell handover of a first mobile station to the common simulcast broadcast carrier. The applicants disagree and provide the following explanation for the Examiner's consideration.

Pike teaches that instructions are sent to the mobile phone to move after a comparison of quality measurements has been made, in order to improve quality, whereas by contrast the present invention sends instructions to the mobile phone to move in order to enable accurate quality measurements to be made. It is clear from the independent claims of the present application that measurements of the radio environment are made after the mobile station has been instructed to move to the common simulcast carrier. This is not taught, suggested or hinted at in Pike.

This difference in process reflects the fundamental difference in the problems that the two inventions are trying to solve. Pike is addressing the problem of handovers in small coverage areas (see page 1, lines 21-32) whilst the present invention attempts to improve the accuracy of neighbour measurements prior to handover (see p.3 lines 1-6 of the present application). Simply because both inventions instruct mobiles to move or change channels does not mean that Pike teaches when or why to move or change channels to address the problem identified in the present invention.

In support of the applicants' statements above, the applicants refer the Examiner to Pike's summary of invention, page 2 line 5 to page 2 line 19:

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Pike describes cells ('cell wide coverage') and micro cells ('area wide coverage'). (Lines 5-10).

Pike then describes means to monitor neighbouring microcells (lines 11-12) and a controller connected to all the base stations (lines 12-13)

This controller decides (lines 13-14) whether a mobile phone should
i.   Move to a neighbouring microcell (lines 15-16),
ii.   Move up to the main cell (lines 16-17), or
iii.   Move down to a microcell (line 17-19).

Summary of Pike's preferred embodiment, page 2 line 20 to page 3 line 10 – encompassing lines cited by the Examiner:

Signal quality/strength between a mobile phone and a microcell is measured by both that microcell's base station and the base station of at least one neighbour (p.2 lines 21-26). These measurements are sent to the controller (p.2 lines 26-27).

The same process is described if the mobile phone is communicating on a main cell channel (lines 27-33).

So the neighbouring microcell and the controller are aware of the signal/quality of communication with the neighbouring base station, whether it is providing a main cell channel or a microcell channel.

The control station compares signal strengths (p. 2 line 34-35) and sends instructions to the mobile to change channels (p2, line 35 to p.3, line 2) **if the measured signal/quality is better from the neighbouring base station** (p.3 lines 2-4). The same requirement is made in p.3 lines 4-10 where a neighbouring base station switches

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to a micocell channel in order to communicate with the mobile phone if the measured signal/quality is better.

Therefore, as stated above, Pike teaches that instructions are sent to the mobile phone to move after a comparison of quality measurements has been made, in order to improve quality. In contrast, the present invention describes sending instructions to the mobile phone to move in order to enable accurate quality measurements to be made. It is clear from the independent claims of the present application that measurements of the radio environment are made after the mobile station has been instructed to move to the common simulcast carrier. The applicants submit that Pike clearly teaches otherwise.

Claim 3 recites a clock means arranged to generate a signal instructing said intracell handover. Claim 4 adds that the clock means is located in the fixed part of the network and is arranged to transmit said signal to one or more mobile stations. First, the examiner cites page 2, lines 14-19, which does not actually mention a clock. The "clock" is only disclosed as a timing reference, on page 5, lines 34 to page 6, line 7. Similarly, Pike does not teach that the clock is used to control an MS handover signal; a control signal is **only** sent to the mobile station **after** a comparative measurement of signal strengths has been made, as can be seen on page 3, lines 30 to page 4, line 8. As noted above this teaches directly against the present application, where MSs are instructed to move to the BCCH channel to facilitate a signal strength measurement.

Since Pike does not teach all of the limitations of any of the present claims, the applicant asserts that the Examiner has not shown anticipation nor made a prima facie case for obviousness. No remaining grounds for rejection or objection being given, the applicant now respectfully submits that the claims in their present form are patentable over the prior art of record, and are in condition for allowance. As a result, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. **502117 – Motorola, Inc.**

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Respectfully submitted,
Thomas et al.

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